



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 436	Senate Amendments 1 and 2
<i>Memo published: March 4, 2004</i> <i>Contact: Don Salm, Senior Staff Attorney (266-8540)</i>	

Current law requires the Department of Transportation (DOT) to conduct a motor vehicle emission inspection program in counties in which the air quality does not meet certain federal standards. Under the program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must undergo emission inspections during the second year following the vehicle's model year and every two years thereafter.

2003 Senate Bill 436 changes the time period before a qualifying vehicle must undergo an initial emission inspection, extending it from the second year after the vehicle's model year to the fourth year after the vehicle's model year. The bill, if enacted into law, first applies to nonexempt vehicles of a model year of **2004 or later**.

Senate Amendment 1

Senate Amendment 1 amends the bill as follows:

1. Provides that from the appropriation under s. 20.395 (5) (hq), Stats. (as revised in the amendment), the DOT must, in consultation with the DNR, develop and administer a program to provide grants for the purchase and installation of **oxidation catalyst mufflers on school buses** customarily kept in counties identified in s. 110.20 (5), Stats. The DOT is required to **adopt rules** to implement and administer this program, including procedures, standards, and criteria for awarding and distributing the grants.
2. Specifies that the current provision [s. 20.395 (5), Stats.], relating to the appropriation to provide for contracts for the operation of inspection stations under the motor vehicle emission inspection and maintenance program under s. 110.20, Stats., also applies to the motor vehicle emission control equipment program created in the amendment.
3. Creates nonstatutory provisions relating to the rule-making process that provides that:

- a. The DOT must submit in proposed form the rules required under the amendment to the Legislative Council staff no later than the first day of the fourth month beginning after the effective date of the new law.
 - b. Using the **emergency rules** procedure under s. 227.24, Stats., DOT must promulgate the rules required under the amendment for purposes of implementing the new law for the period before the effective date of the rules submitted under item a., above. The DOT must promulgate these emergency rules no later than the first day of the fourth month beginning after the effective date of the new law. These emergency rules may remain in effect until June 30, 2005, or the date on which permanent rules take effect, whichever is sooner. The DOT is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for such a rule.
4. Specifies that the **effective date** of the program created in the amendment is the first day of the **fourth month** beginning after publication of the new law creating the program.

Senate Amendment 2

Senate Amendment 2 **deletes** the provision in the bill specifying that the bill, if enacted into law, first applies to nonexempt vehicles of a model year of 2004 or later.

Legislative History

On March 4, 2004, 2003 Senate Bill 436, as amended by Senate Amendments 1 and 2 (both of which were adopted on a voice vote) passed the Senate on a voice vote. This action was immediately messaged to the Assembly.

DLS:jal:wu;wu